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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,437

06/13/2006

Carlo Vaccari

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09/04/2008

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INTELLECTUAL PROPERTY DEPARTMENT  
SANTA MONICA, CA 90404

EXAMINER

NGUYEN, TRINH T

ART UNIT

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3644

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09/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,437	<b>Applicant(s)</b> VACCARI, CARLO	
	<b>Examiner</b> Trinh T. Nguyen	<b>Art Unit</b> 3644	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Preliminary Amend, dated 6/13/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☒ Claim(s) 2, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/26/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3,5,6, and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3: the phrase “the plate” lacks proper antecedent basis; the term “its” is confusing since it is unclear what the term intends to define; and the phrase “rising from below” is unclear because there are no definitions as to what “below” defines and/or implies.

In claims 5 and 6: the phrase “the other” is unclear because there are no definitions as to what “other” defines and/or implies.

In claim 9: the phrase “the plate” lacks proper antecedent basis.

In claim 10: the phrase “is shaped so as to maintain a direct grip with the shaft” is vague since it is unclear as to what “is shaped” and “maintain a direct grip” intend to be encompassed ; the phrases “the mixer-dispenser” and “the plate” lack proper antecedent basis; and the phrase “allowing control of the position...determined by the drive unit” is confusing since there are no definitions as to what “the mixer-dispenser” and “the plate” define and/or imply.

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In claim 11: the phrase "specular with respect to the cylinder coupling area" is vague since it is unclear as to what "specular" intends to be encompassed and the phrases "the motor parts" and "the cylinder coupling area" lack proper antecedent basis.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,3,9,10 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2207331 (see attached Figure 2 at the end of this office action for further explanation).

For claim 1, GB 2207331 teaches a device for dispensing and distributing food for aquatic fauna, which can be fitted in aquariums or containers for holding live fish, as well as in tanks for turtles and terrariums in general or similar, this device comprising a tank (11) and means (23) for pushing the food towards a dispensing outlet, wherein the tank is positioned in a substantially horizontal direction and houses a pusher-mixer (10) which occupies the internal space of the tank and consists of a shaft equipped with a plurality of sloping blades all facing in the same direction as the direction in which the food is pushed towards the dispensing outlet (17), whereby said dispensing outlet has a substantially vertical opening for the discharge of the food in a horizontal direction (see Figure 2).

For claim 3 (as best understood), GB 2207331 teaches wherein the plate of the shaft is functionally connected with the opening of the outlet and, depending on its

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position, determined by the rotation of the shaft, allows or prevents food dispensing and prevents the entry of humidity rising from below (see Figure 2).

For claim 9 (as best understood), GB 2207331 teaches wherein the shaft is driven by an electric motor (13), housed in the casing, said motor rotating a kinematic drive unit (23) which drives a power take-off engaged on the end of the shaft opposite the end fitted with the plate (see Figure 2).

For claim 10 (as best understood), GB 2207331 teaches said power take-off (see Figure 2) is shaped so as to maintain a direct grip with the shaft, allowing control of the position of the mixer-dispenser, and thus of the plate (see Figure 2) according to the revolutions of the shaft determined by the drive unit (23).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2207331 in view of Malek (US 3022767).

For claims 4-6 (as best understood), as described above, GB 22073 teaches all the claimed invention except for a reversible perforated dispenser which has two sections with different sized holes, wherein said perforated dispenser, which is used for dispensing granular products, can be inserted one way up or the other according to the grain size of the food product to be dispensed, and wherein the perforated dispenser is

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inserted one way up or the other between two guides positioned at the sides of the outlet, thus occupying the space and allowing controlled discharge of the food.

Malek teaches a similar feeder for dispensing and distributing food for aquatic fauna as that of GB 2207331 wherein Malek's feeder includes a reversible perforated dispenser (47) which has two sections (48,49) with different sized holes, wherein said perforated dispenser, which is used for dispensing granular products, can be inserted one way up or the other according to the grain size of the food product to be dispensed, and wherein the perforated dispenser is inserted one way up or the other between two guides (note that guides are located on member (43) in which channel member (46) of perforated dispenser (47) is fitted thereon) positioned at the sides of the outlet, thus occupying the space and allowing controlled discharge of the food (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the feeder of GB 2207331 so as to include a reversible perforated dispenser having the specific structural components as claimed in claims 4-6, in view of the teaching as taught in Malek, so that different size of grain can be dispensed.

For claims 7 and 8, as described above, GB 22073 teaches all the claimed invention except for a sliding cover for dosing flake type products, wherein said sliding cover, which slides between a pair of guides, can be moved to regulate the opening of the outlet according to the amount of product to be dispensed into the aquarium.

Malek teaches a similar feeder for dispensing and distributing food for aquatic fauna as that of GB 2207331 wherein Malek's feeder includes a sliding cover (47) for

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dosing flake type products, wherein said sliding cover, which slides between a pair of guides (note that guides are located on member (43) in which channel member (46) of sliding cover (47) is fitted thereon), can be moved to regulate the opening of the outlet according to the amount of product to be dispensed into the aquarium (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the feeder of GB 2207331 so as to include a sliding cover having the specific structural components as claimed in claims 7 and 8, in view of the teaching as taught in Malek, so that different quantity of grain can be dispensed.

#### ***Allowable Subject Matter***

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 11 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T. Nguyen whose telephone number is (571) 272-6906. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on (571) 272-6608. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Trinh T Nguyen/  
Primary Examiner, Art Unit 3644  
8/31/08

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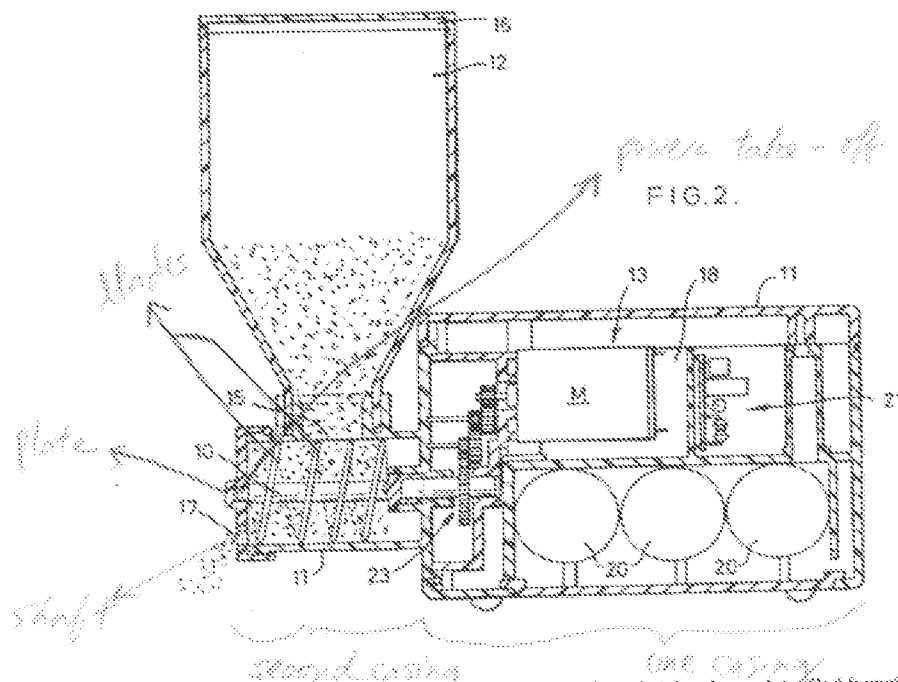
(52) Domestic classification (Edition J):  
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(53) Documents cited  
GB A 2161442 GB A 2091631 GB A 2017478  
GB 1594447 GB 1398514 GB 1318139  
GB 1108518 EP A2 0022449 US 3717125

(56) Field of search  
A1A  
Selected US specifications from IPC sub-class  
A01K

(54) Fish food dispenser

(57) A fish food dispenser comprises a container (12) for fish food, and a metering screw (10) mounted for rotation in a metering chamber (11) and driven by an electric motor (54) via a reduction gear train (23) for dispensing fish food from the container. The fish food may be dispensed daily at a time presettable by means of an electronic control circuit (21), or may be dispensed at any time by means of a manual switch provided in the control circuit. The quantity of fish food to be dispensed is also presettable by means of the control circuit. An alarm indicating food is about to be dispensed may be provided.



The drawing(s) originally filed was (were) informal and the print here reproduced is taken from a later filed formal copy.

GB 2 207 331 A

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